

UNITED STATES DISTRICT COURT

for the
District of Arizona

In the Matter of the Search of
Home located at Rural Address 43A, Window Rock, Arizona,
approximately ¼ miles east on Beacon Road, and more
precisely located at the following grid coordinates: 35.658048,
-109.048785.

Case No. 22-5165MB

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the District of Arizona:

As further described in Attachment A.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal:

As set forth in Attachment B.

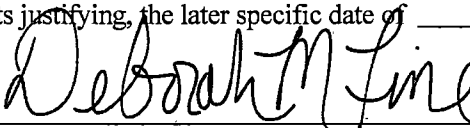
YOU ARE COMMANDED to execute this warrant on or before April 28, 2022 (not to exceed 14 days)

☐ in the daytime 6:00 a.m. to 10:00 p.m. ☒ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to any United States Magistrate Judge on criminal duty in the District of Arizona.

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized ☐ for 30 days (not to exceed 30) ☐ until, the facts justifying, the later specific date of _____.

Date and time issued: April 14, 2022 at 10:47 p.m.


Judge's signature

City and state: Phoenix, Arizona

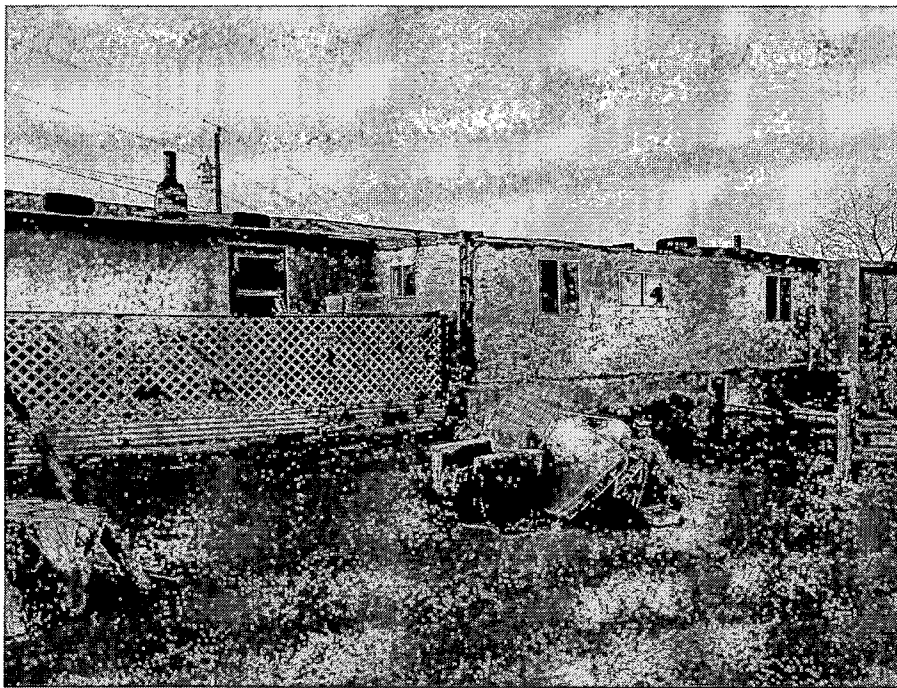
Honorable Deborah M. Fine, U.S. Magistrate Judge
Printed name and title

ATTACHMENT A – PLACE TO BE SEARCHED

ADDRESS/DESCRIPTION OF LOCATION: A home located at Rural Address 43A, Window Rock, Arizona, approximately ¼ miles east on Beacon Road, and more precisely located at the following grid coordinates: 35.658048, -109.048785.

DESCRIPTION OF HOME: A gray concrete and stucco residence with a brown roof, which displayed “43A” on the north-westerly side of the residence.

PHOTO ATTACHED: Yes



ATTACHMENT B – THINGS TO BE SEARCHED FOR AND SEIZED

1. Any evidence of assault or murder which may be inside the home, or outside on the property/curtilage of the home, including blood evidence, dried blood, and/or biological substances that appear to be blood.
2. Any items used to clean up blood evidence (such as cloth towels, washcloths, or paper towels).
3. Any weapon or items that could be used as a weapon or pieces/parts of a weapon related to the death investigation, including knives or other penetrating objects.
4. Any shoes or clothing items related to the death investigation.
5. Indicia of occupancy and/or ownership of the Subject Premises, including mail (e.g. bills) showing a person's address; ownership documents such as deeds, or tax documents; leases or rental documents; identification cards; court documents.
6. Any cellular telephones.
7. Photographs and/or video of the Subject Premises and the things to be seized.

UNITED STATES DISTRICT COURT

for the
District of Arizona**In the Matter of the Search of**

Case No. 22-5165MB

Home located at Rural Address 43A, Window Rock, Arizona, approximately ¼ miles east on Beacon Road, and more precisely located at the following grid coordinates: 35.658048, -109.048785.

ELECTRONICALLY SUBMITTED APPLICATION FOR A SEARCH WARRANT

I, Special Agent Dustin Blazer Drace, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

As further described in Attachment A

located in the District of Arizona there is now concealed:

As set forth in Attachment B.The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

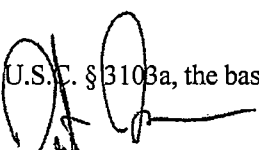
The search is related to a violation of:

Code/Section	Offense Description
18 U.S.C. § 1111	Murder
18 U.S.C. § 113(a)(3)	Assault with a Dangerous Weapon
18 U.S.C. § 113(a)(6)	Assault Resulting in Serious Bodily Injury

The application is based on these facts:

See attached Affidavit of Special Agent Dustin Blazer Drace☒ Continued on the attached sheet.☐ Delayed notice of __ days is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Reviewed by AUSA Jason Crowley

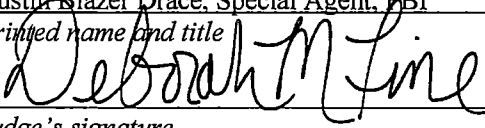

 Applicant's Signature

Dustin Blazer Drace, Special Agent, FBI

Printed name and title

 X Telephonically Sworn

Date: April 14, 2022 at 10:47 p.m.


 Judge's signature
City and state: Phoenix, Arizona

Honorable Deborah M. Fine, U.S. Magistrate Judge

Printed name and title

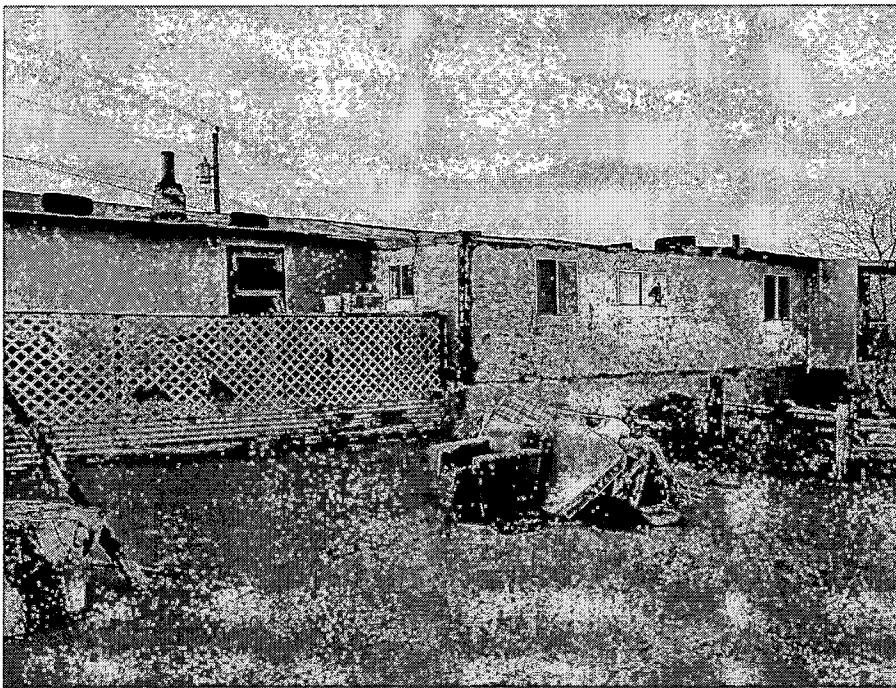
Printed name and title

ATTACHMENT A – PLACE TO BE SEARCHED

ADDRESS/DESCRIPTION OF LOCATION: A home located at Rural Address 43A, Window Rock, Arizona, approximately ¼ miles east on Beacon Road, and more precisely located at the following grid coordinates: 35.658048, -109.048785.

DESCRIPTION OF HOME: A gray concrete and stucco residence with a brown roof, which displayed “43A” on the north-westerly side of the residence.

PHOTO ATTACHED: Yes



ATTACHMENT B – THINGS TO BE SEARCHED FOR AND SEIZED

1. Any evidence of assault or murder which may be inside the home, or outside on the property/curtilage of the home, including blood evidence, dried blood, and/or biological substances that appear to be blood.
2. Any items used to clean up blood evidence (such as cloth towels, washcloths, or paper towels).
3. Any weapon or items that could be used as a weapon or pieces/parts of a weapon related to the death investigation, including knives or other penetrating objects.
4. Any shoes or clothing items related to the death investigation.
5. Indicia of occupancy and/or ownership of the Subject Premises, including mail (e.g. bills) showing a person's address; ownership documents such as deeds, or tax documents; leases or rental documents; identification cards; court documents.
6. Any cellular telephones.
7. Photographs and/or video of the Subject Premises and the things to be seized.

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

Your Affiant, Dustin Blazer Drace, Special Agent of the Federal Bureau of Investigation, being first duly sworn, hereby deposes and states as follows:

1. Your Affiant makes this Affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the premises located at Rural Address 43A, Window Rock, Arizona, approximately ¼ miles east on Beacon Road, and more precisely located at the following grid coordinates: 35.658048, -109.048785 (hereinafter the “**Subject Premises**”), as further described in Attachment A, in order to search for and seize the items described in Attachment B, which represent evidence, fruits, and/or instrumentalities of the criminal violations further described below.

2. Your Affiant is employed by the Federal Bureau of Investigation (hereinafter FBI) and is an investigator/law enforcement officer of the United States within the meaning of Title 18, United States Code Section 2510(7). As such, Your Affiant is an officer of the United States who is empowered by law to conduct investigations and make arrests for offenses enumerated in Title 18, United States Code, Section 2516. Your Affiant has been a Special Agent with the FBI since January 2018. In Your Affiant’s time as an FBI Special Agent, Your Affiant have investigated numerous violations of federal law, to include homicides and assaults, both as the case agent and as a co-case agent.

3. The statements contained in this Affidavit are based on information acquired by Your Affiant personally through investigation of the facts of this case or on information provided to Your Affiant by other FBI Special Agents, Investigators from Navajo Nation Department of Criminal Investigation (NDCI), and other law enforcement officers, either directly or indirectly through their reports or affidavits, surveillance conducted by law enforcement officers, and information provided by witnesses. In addition, in making the statements set forth herein, Your Affiant has relied on his experience, training, and background as a Special Agent with the FBI.

4. Because this Affidavit is being submitted for the limited purpose of obtaining a search warrant, Your Affiant has not included every fact known to him concerning this investigation. Your Affiant has set forth only the facts believed to be necessary to establish probable cause for a search warrant.

INTRODUCTION

5. This case involves a suspected assault and homicide that is believed to have occurred at the Subject Premises on or about April 14, 2022. The Subject Premises is within the boundaries of the Navajo Indian Reservation (Indian Country) in the District of Arizona. This Affidavit is made in support of a search warrant for the home at which the incident occurred. The home is fully described in Attachment A. The things to be searched for and seized pertain to the suspected assault and homicide pursuant to (among other statutes) 18 U.S.C. § 1111, 18 U.S.C. §

113(a)(3), and 18 U.S.C. 113(a)(6). The things to be searched for and seized from the home are specifically described in Attachment B.

PROBABLE CAUSE

6. On April 14, 2022 at approximately, 6:36 PM, your affiant received a telephone call from Navajo Department of Criminal Investigation Criminal Investigator (hereinafter CI) Fayette Dale. CI Dale advised that she arrived at the Subject Premises and learned from Navajo Police Department investigators (hereinafter NPD) that victim L.S. was inside the main living area next a bed and appeared unresponsive.

7. CI Dale advised that L.S. appeared to have two possible puncture wounds surrounded by bruising on his torso near the base of his sternum. L.S. also appeared to have bruising or discoloration and swelling around his left eye and left temple, as well as slash marks on the left side of his neck or chin area.

8. At approximately 7:19 PM, your affiant arrived at the Subject Premises. It was near twilight, but the residence and the address were fully visible. The temperature was approximately 59 degrees, partly cloudy, with no wind.

9. CI Dale was present at the address, as were two uniformed NPD officers with their own respective marked NPD units.

10. Your affiant was in contact with NPD Sergeant Erwin Toddy, who provided the following information:

11. Sergeant Toddy spoke with D.W. upon his arrival at the Subject

Premises. D.W. and E.W. were neighbors who lived within walking distance of the Subject Premises. Their home was visible from the Subject Premises.

12. D.W. told Sergeant Toddy that HERNAL SHONDEE (hereinafter SHONDEE) went to D.W.'s residence earlier that afternoon. SHONDEE told D.W.'s husband, E.W., that an individual who had been staying at SHONDEE's residence (the Subject Premises) was not talking or breathing. E.W. told D.W. what SHONDEE said. SHONDEE said he had been trying to contact the NPD, but no one was answering the phone.

13. D.W. accompanied SHONDEE back to the Subject Premises and saw a person, later determined to be L.S., laying on the floor. D.W. contacted the NPD via cellular telephone to report L.S. was laying on the floor and was unresponsive in SHONDEE's residence (the Subject Premises). D.W. thought the body looked like L.S. and knew L.S. had been staying with SHONDEE because of a recent domestic violence issue L.S. had with his wife.

14. Sergeant Toddy subsequently arrived at the Subject Premises and contacted SHONDEE. Sergeant Toddy observed SHONDEE was intoxicated and his statements were largely incoherent. SHONDEE pointed in the direction of his residence (the Subject Premises) to indicate L.S. was inside. Sergeant Toddy stated that in his attempts to communicate, SHONDEE tried to explain that L.S. "overstayed his welcome."

15. Sergeant Toddy approached the front door of the residence and was able

to observe L.S. laying on the floor next to a bed in the main living area of the residence. Sergeant Toddy walked back in the direction of his NPD vehicle to contact CI Dale. As he was walking away, SHONDEE appeared to be attempting to lock his gate and may have told Sergeant Toddy he was not allowed to come back in.

16. SHONDEE was detained by Sergeant Toddy and subsequently arrested by the NPD for public intoxication. SHONDEE was transported to the Navajo Detention Center in Window Rock prior to the arrival of your affiant.

17. After receiving the information from Sergeant Toddy, your affiant and CI Dale conducted a security sweep of the residence to ensure no one else was present.

18. L.S. was located in the main living area of the Subject Premises. He was deceased, laying on his back on the floor next to a bed. He was fully clothed. Your affiant also observed bruising or discoloration and swelling around L.S.'s left eye and temple, as well and slash marks near the left side of his neck or chin.

19. L.S.'s shirt was lifted to expose his torso and your affiant observed swelling and slash marks on his stomach and two puncture wounds surrounded by bruising or discoloration near the base of his sternum above his stomach.

20. No other individuals were located inside the residence. Your affiant and CI Dale departed the residence immediately thereafter. The scene was secured by the NPD.

21. SHONDEE is a member of the Navajo Nation Indian Tribe, a Federally recognized Indian tribe. L.S. is also a member of the Navajo Nation Indian Tribe.

CONCLUSION

22. Based on the foregoing, your Affiant is seeking a search warrant to search the Subject Premises further described in Attachment A for evidence pertaining to the death investigation of L.S. Based upon my training and experience suspects often leave behind evidence from the commission of their crimes. Your Affiant is seeking a warrant to search for evidence related to L.S.'s death, including any DNA evidence, blood evidence, clothing, and any weapons related to the death investigation further described in Attachment B.

23. Additionally, based on your Affiant's training and experience, it is known that indicia of ownership and/or occupancy are important in a criminal case. It can help establish possession or control of the premises, knowledge, and intent. Based on your Affiant's training and experience, indicia of ownership and occupancy includes such things as: mail (e.g. bills) showing a person's address, tax documents, or bills of sale; leases or rental documents, and identification cards.

24. I respectfully submit that there is probable cause to believe that evidence described in Attachment B, is located in the Subject Premises, as more fully described in Attachment A, which will support an investigation related to suspected violations of 18 U.S.C. § 1111, 18 U.S.C. § 113(a)(3), and 18 U.S.C. § 113(a)(6). This affidavit was sworn telephonically before a United States Magistrate

Judge legally authorized to administer an oath for this purpose.

Pursuant to 28 U.S.C. § 1746(2), I declare that the foregoing is true and correct to the best of my knowledge and belief.

April 14, 2022

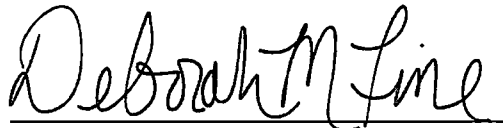
Date



Dustin Blazer Drace
Special Agent
Federal Bureau of Investigation

X Sworn by Telephone

Date/Time: April 14, 2022 at 10:47 p.m.



Honorable Deborah M. Fine
United States Magistrate Judge